



Save the Sound[®]

Action for our region's environment.

Testimony of Save the Sound Before the Housing Committee

In support of, with modifications, Senate Bill No. 169 **AN ACT CONCERNING A STUDY OF THE EFFECTS OF AFFORDABLE HOUSING POLICIES IN THE STATE**

**Submitted by Christopher P. Kelly, Esq.
March 2, 2022**

Save the Sound is a nonprofit organization representing over 4,200 member households and 10,000 activists statewide. Our mission is to protect and improve the land, air, and water of Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.

Dear Co-Chairs Lopes and Williams, Vice-Chairs Anwar and Smith, Ranking Members Cicarella and Polletta, and members of the Housing Committee:

Save the Sound supports passage of SB 169, an act which would compel the Commissioner of Housing to produce a study to identify the effects of Section 8-30g of the Connecticut General Statutes upon the state, as well as to recommend amendments to improve the section. However, we request that the Committee amend the act to specifically require that the study investigate Section 8-30g's effects upon the environment and upon the climate resilience of housing.

A study of Section 8-30g may shed a light upon important shortcomings in the law. Section 8-30g has proven to be a controversial tool which overrides zoning regulations in an effort to locate affordable housing in exclusive communities. Unfortunately, while the statute could be an effective tool to bypass prohibitive regulations in suburban communities, it does not change the economic incentive for developers to pursue the cheapest land available – often undeveloped land of conservation value or land unable to accommodate higher-density housing.

Environmental advocacy groups across Connecticut, including Save the Sound, have become entangled in years-long litigation over unwise development proposals in such areas. While we have prevailed in some situations through 8-30g's exception for public health and safety regulations – an exception which does nothing to prevent litigation because only a judge can determine whether the regulations are necessary for public health and safety – the result is an incredible waste of time and resources and it miscasts environmentalists and housing advocates as natural opponents.

Affordable housing does not require that we ignore environmental concerns. Save the Sound has worked as a member of the DesegregateCT coalition to pass policies which increase the housing supply without incentivizing development in sensitive areas. As one example of our

collaboration, DesegregateCT's most recent proposals to require denser zoning exempt the following areas:

“any regulated inland wetlands and watercourses areas, steep slopes of fifteen per cent or more in grade change within a single lot, ledges, special flood hazard areas defined by the Federal Emergency Management Agency, wetlands defined in section 22a-29, public parkland, land subject to conservation or preservation restrictions as defined in section 47-42a, coastal resources protected by the Connecticut Coastal Management Act, areas necessary for the protection of drinking water supplies, and areas identified as likely to be inundated during a 30-year flood event by the Connecticut Institute of Climate Resilience and Adaptation pursuant to its responsibilities to conduct sea level change scenarios under section 25-68o(b).”

To address our state's housing crisis, Save the Sound supports smart planning practices for efficient community development while preserving environmental quality. The study of Section 8-30g must specifically investigate the statute's impact upon our environment and how it may be amended to prevent unnecessary litigation and environmental threats. As the climate crisis reshapes our lives, it is more important than ever that we recognize how we include environmental considerations in local decision making. For that reason, we must also study the climate-preparedness of our housing stock and whether we are forcing our most vulnerable populations to live in the places least-resilient to storms and flooding.

Therefore, we support passage of SB 169 with modified language to study the effects of Section 8-30g upon the environment and climate resiliency.

Thank you for the opportunity to provide the above testimony and for your time and consideration of these matters.

Respectfully submitted,

/s/ Christopher P. Kelly

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